

REMARKS

This Application has been carefully reviewed in light of the Final Office Action mailed March 23, 2007 ("Office Action"). At the time of the Office Action, Claims 1-3, 5-6, 9-19, 21-22, 25-34 and 36-38 were pending in the application. In the Office Action, the Examiner rejects Claims 1-3, 5-6, 9-19, 21-22, 25-34 and 36-38. To advance prosecution of this case, Applicants amend Claims 1, 6, 10, 13, 17, 22, 26, 29, and 33-34. In addition, Applicants add new Claims 39-44. Applicants do not admit that any amendments are necessary due to any prior art or any of the Examiner's rejections. Applicants respectfully request reconsideration and allowance of all pending claims.

Specification

In the Office Action, the Examiner objects to the abstract as exceeding 150 words in length. Applicants herein amend the abstract to be less than 150 words in length.

Claim Objections

In the Office Action, the Examiner requests correction of Claim 33 due to alleged informalities. Applicants have amended Claim 33 to comply with the Examiner's request.

Claim Rejections - 35 U.S.C. § 112

The Examiner rejects Claims 1-3, 5-6, 9-19, 21-22 and 25-32 under 35 U.S.C. § 112, first paragraph. In particular, the Examiner concludes that Applicants' Specification does not adequately support the statement that "a bet transmitted prior to the stop bet command will be accepted even if the bet is received after the stop bet command." (Office Action; pages 2-3). Applicants traverse this rejection. Without admitting to the Examiner's conclusion, Applicants note that the pending claims, as amended, comply with the requirements of 35 U.S.C. § 112, first paragraph. Accordingly, Applicants respectfully request reconsideration and allowance of these claims.

The Examiner rejects Claims 33-34 and 36-38 under 35 U.S.C. § 112, first paragraph. In particular, the Examiner alleges that certain elements of Claim 33 -- "receiving a stop bet command" and "accepting subsequently received bets on the particular event if transmitted prior to the stop bet command" -- are unclear. (Office Action; pages 3-4). Applicants traverse this rejection. Without admitting to the Examiner's assertion regarding the foregoing

elements, Applicants note that Claim 33, as amended, satisfies the requirements of 35 U.S.C. § 112, first paragraph. Accordingly, Applicants respectfully request reconsideration and allowance of amended Claim 33 and its dependents.

Claim Rejections - 35 U.S.C. § 103

The Examiner rejects Claims 1-3, 5-6, 9-19, 21-22, 25-34 and 36-38 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2001/0047291 A1 to Garahi, et al. (“*Garahi*”). Applicants traverse this rejection and respectfully request reconsideration and allowance of Claims 1-3, 5-6, 9-19, 21-22, 25-34 and 36-38.

Garahi fails to teach, suggest, or disclose each element of Claim 17. In particular, *Garahi* fails to teach, suggest, or disclose a “second wagering facility that comprises a plurality of betting terminals” as recited in amended Claim 17. *Garahi* generally describes a wagering system that allows a remote bettor to transmit a wager to a central computer system (i.e., transaction processing and subscription management system 24). (¶¶ 55-56). According to *Garahi*, the bettor may use a personal device such as a personal computer, television, or phone to submit a wager to the central computer system. (¶¶ 55-57). *Garahi* further explains that the central computer system may transmit racing data to the bettor in the remote location. (¶ 55).

In the Office Action, the Examiner equates the personal device of an individual bettor with the “second wagering facility” recited in Claim 17. (Office Action; page 6, lines 18-22). In particular, the Examiner analogizes “darkening out the event” on the bettor’s display screen, as described in *Garahi*, with communicating “the stop bet command to a second wagering facility.” (Office Action; page 6, line 18 – page 7, line 2). The personal computer or television of an individual bettor does not comprise “a plurality of betting terminals” as recited in amended Claim 17. As a result, merely describing an individual bettor that uses a personal device to transmit a bet does not teach, suggest, or disclose “a second wagering facility that comprises a plurality of betting terminals” as recited in amended Claim 17. Because *Garahi* fails to teach, suggest, or disclose this aspect of amended Claim 17, *Garahi* fails to support the rejection. Accordingly, Applicants respectfully request reconsideration and allowance of amended Claim 17.

In rejecting Claims 1 and 33, the Examiner employs the same rationale used to reject Claim 17. Accordingly, for at least the reasons stated above with respect to amended Claim

17, Applicants respectfully request reconsideration and allowance of amended Claims 1 and 33.

Claims 2-3, 5-6, 9-16, 18-19, 21-22, 25-32, 34 and 36-38 depend from independent claims shown above to be allowable. In addition, these claims recite further elements that are not taught, suggested, or disclosed by *Garahi*. For example, *Garahi* fails to teach, suggest, or disclose communicating “the results to a clearinghouse” as recited in Claim 11. In the Office Action, the Examiner rejects Claim 11 by merely stating that “Claim 11 discloses the same subject matter as Claim 10.” (Office Action; page 8). This statement is incorrect. Amended Claim 10 recites communicating “the results to the second wagering facility,” and Claim 11 recites communicating “the results to a clearinghouse.” The Examiner fails to provide any support for his conclusion that the “second wagering facility” recited in amended Claim 10 is the “same subject matter” as the “clearinghouse” recited in Claim 11. Applicants remind the Examiner that “[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art.” MPEP § 2143.03 (citing *In re Wilson*, 424 F.2d 1382, 165 U.S.P.Q. 494, 496 (CCPA 1970)). The cited portions of *Garahi* fail to teach, suggest, or disclose communicating “the results to a clearinghouse” as recited in Claim 11. Because *Garahi* fails to teach, suggest, or disclose this aspect of Claim 11, *Garahi* fails to support the rejection.

In addition, *Garahi* fails to teach, suggest, or disclose “decrypting the first bet in response to the first bet being encrypted” as recited in Claim 28. In the Office Action, Examiner appears to take Official Notice of this aspect of Claim 28. In particular, the Examiner asserts that “decrypting a bet which is encrypted...would have been well known to a person of ordinary skill in the art.” (Office Action; pages 7-8). There is nothing in the cited references that supports this assertion. Accordingly, Applicants traverse this assertion and respectfully submit that “the examiner **must** provide documentary evidence” if the rejection is to be maintained. MPEP § 2144.03(C) (emphasis added). If the Examiner is relying on personal knowledge as support for the foregoing assertion, then “the examiner **must** provide an affidavit or declaration setting forth specific factual statements and explanation to support the finding.” MPEP § 2144.03(C) (emphasis added). Because the Examiner’s reliance on Official Notice is unsupported, the rejection is improper.

For at least the foregoing reasons, Applicants respectfully request reconsideration and allowance of Claims 2-3, 5-6, 9-16, 18-19, 21-22, 25-32, 34 and 36-38.

New Claims

New Claims 39-44 depend from independent claims shown above to be allowable. In addition, these claims recite further elements that are not taught, suggested, or disclosed by the cited reference. Accordingly, Applicants respectfully request that the Examiner enter and allow new Claims 39-44.

CONCLUSION

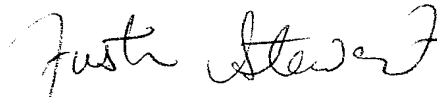
Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending claims.

If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the Examiner is invited to contact Justin N. Stewart, Attorney for Applicants, at the Examiner's convenience at (214) 953-6755.

Applicants believe no fees are due, however, the Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

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Date: June 25, 2007

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